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*Stewart*  
*8/13/01*

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAMES YOUNG,

Defendant.

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MOTION TO RECONSIDER  
SENTENCE AND TO EXTEND  
TIME FOR SELF SURRENDER

Case No. 2:01CR-088ST

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The defendant, James Young, by and through his attorney, Wendy M. Lewis, hereby moves this court to reconsider the sentence imposed in this matter at the sentencing hearing on Tuesday, July 31, 2001. At that time the court sentenced Mr. Young to 8 months with 4 of those months to be spent in custody and 4 on home confinement. The court then recommended that the 4 months confinement be spent at the Cornell Correctional Center. Mr. Young requests that the court reconsider this sentence and further requests that the court impose a sentence that consists solely of home confinement. The basis for this motion is that due to Bureau of Prisons Policy, the court's recommendation cannot be adhered to.

It has been determined that pursuant to B.O.P. policy, an individual with a conviction for a sex related offense cannot be placed in a community based institution. Therefore, the only alternative is to place Mr. Young in a secure facility for the four month term of confinement. Further, according

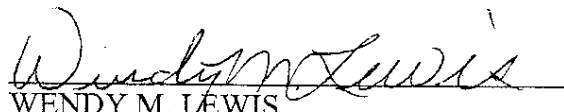
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to the information that has been provided through Steven Kelly, that four months would have to be spent in a local jail.

Due to the fact that the court intended Mr. Young to be placed in the halfway house and not in a secure jail, the defendant requests that this court reconsider sentencing him at an offense level of 8 which would allow the court to place him on home confinement for the entire length of his sentence.

Further, the defendant requests that he be given until August 31 to self surrender in order to resolve this issue and to give him additional time to arrange his affairs if he is in fact to spend the four months in jail as opposed to the halfway house.

DATED this 8<sup>th</sup> day of August, 2001.

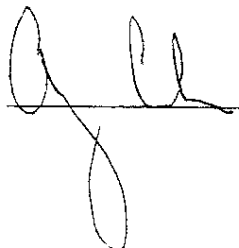
  
WENDY M. LEWIS  
Assistant Federal Defender

**CERTIFICATE OF DELIVERY**

I hereby certify that a true and correct copy of the foregoing was mailed postage prepaid/delivered to all parties named below on this 8<sup>th</sup> day of August, 2001, to:

Michele M. Christiansen  
Assistant United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, UT 84111

Steven B. Kelly  
Senior U.S. Probation Officer  
350 South Main Street  
Salt Lake City, UT 84101

  
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United States District Court  
for the  
District of Utah  
August 13, 2001

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:01-cr-00088

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Michele M. Christiansen, Esq.  
US ATTORNEY'S OFFICE

,  
JFAX 9,5245985

USMS  
DISTRICT OF UTAH

,  
JFAX 9,5244048

US Probation  
DISTRICT OF UTAH

,  
JFAX 9,5261136